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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/439,482 11/12/99 BERNARD

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WM01/1018

EXAMINER

CHUNG, D

ART UNIT

PAPER NUMBER

2672

DATE MAILED:

10/18/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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# Office Action Summary

Application No.

09/439,482

Applicant(s)

BERNARD ET AL.

Examiner

Daniel J Chung

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

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## **DETAILED ACTION**

### ***Information Disclosure Statement***

Receipt is acknowledged of Applicant's Information Disclosure Statements of 9-15-2000, 6-27-2000, 10-11-2000 and 4-11-2000, which has been placed in the application file and considered by the Examiner.

### ***Drawings***

The drawings are not objected to by the Examiner.

### ***Claim Objections***

Claims 6 and 7 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

### ***Specification***

Please review the application and correct all informalities.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1, 4-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Anabuki (6,091,518).

Regarding claim 1, Anabuki discloses that the claimed feature of a system for providing images to a user comprising:

In response to a user request to provide one of more images, determine available user color characterization data ["color image information"/"object information"] (See Abstract, Fig 1, Fig 4, Fig 9, Fig 15, Fig 16, Fig 17, col 2 line 10-col 6 line 55)

Cause one of more images having color characteristics ["the color corrected color image information"] appropriate to the user color characterization data ["color image information/object information"] so determined to be sent to user (See Abstract, Fig 1, Fig 4, Fig 9, Fig 15, Fig 16, Fig 17, col 2 line 10-col 6 line 55)

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Regarding claim 4, Anabuki discloses that color correction of the one or more images is on-the-fly. (See Abstract, Fig 1, Fig 4, Fig 9, Fig 15, Fig 16, Fig 17, col 2 line 10-col 6 line 55)

Regarding claim 5, Anabuki discloses that color correction [35,36] of images is by selection of a group of one or more images from one or more groups of pre-transformed images. [profile information] (See Abstract, Fig 1, Fig 4, Fig 9, Fig 15, Fig 16, Fig 17, col 2 line 10-col 6 line 55)

Regarding claim 6, Anabuki discloses that color correction [35,36] of the one or more images is done to the characterization details of the user. (See Abstract, Fig 1, Fig 4, Fig 9, Fig 15, Fig 16, Fig 17, col 2 line 10-col 6 line 55)

Regarding claim 7, Anabuki discloses that color correction [35,36] of the one or more images is done to match one of a predetermined set of color characterization parameters. [profile information] (See Abstract, Fig 1, Fig 4, Fig 9, Fig 15, Fig 16, Fig 17, col 2 line 10-col 6 line 55)

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anabuki.

Regarding claim 2, Anabuki discloses that if user color characterization data is available user sees a first icon. (See Abstract, Fig 1, Fig 4, Fig 9, Fig 15, Fig 16, Fig 17, col 2 line 10-col 6 line 55)

Anabuki does not specifically disclose that showing a first/second icons, based on the availability of user color characterization data. However, Examiner takes Office Notice that using the icons/flags to represent the availability of specific data is a well-known art which save the processing/transmission time. Therefore, it would have been obvious to one skilled in the art to have such "icons" into the teaching of Anabuki.

Regarding claim 3, Anabuki discloses that if user color characterization data is not available user sees a second icon. (See Abstract, Fig 1, Fig 4, Fig 9, Fig 15, Fig 16, Fig 17, col 2 line 10-col 6 line 55)

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***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Chung whose telephone number is (703) 306-3419. He can normally be reached Monday-Thursday and alternate Fridays from 7:30am- 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael, Razavi, can be reached at (703) 305-4713.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



**MATTHEW LUU  
PRIMARY EXAMINER**